

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

ROSS STASIK, On His Own Behalf And  
On Behalf Of All Others Similarly  
Situating,  
  
Plaintiff,

v.

NIPPON YUSEN KABUSHIKI KAISHA,  
LTD.;  
NYK LINE (NORTH AMERICA), INC.;  
EUKOR CAR CARRIERS, INC.;  
COMPANIA SUD AMERICANA DE  
VAPORES, S.A.;  
CSAV AGENCY NORTH AMERICA,  
LLC;  
KAWASAKI KISEN KAISHA, LTD.;  
'K' LINE AMERICA, INC.;  
MITSUI O.S.K. LINES, LTD.;  
MOL (AMERICA) INC.;  
MOL LOGISTICS (U.S.A.), INC.;  
NISSAN MOTOR CAR CARRIER CO.,  
LTD.;  
WORLD TRANSPORT CO., LTD.;  
WORLD LOGISTICS SERVICE  
(U.S.A.), INC.;  
TOYOFUJI SHIPPING CO., LTD.;  
FUJITRANS U.S.A., INC.;  
WALLENUS LINES, AB;  
WILH. WILHELMSSEN HOLDING  
ASA; WILH. WILHELMSSEN ASA;  
WALLENUS WILHELMSSEN  
LOGISTICS AMERICAS LLC;  
WWL VEHICLE SERVICES  
AMERICAS INC.;  
AMERICAN SHIPPING AND  
LOGISTICS GROUP;  
AMERICAN ROLL-ON ROLL-OFF

Civil No. 13CV1467 LAB BLM

CLASS ACTION

**ORDER EXTENDING TIME  
FOR DEFENDANTS TO  
RESPOND TO THE CLASS  
ACTION COMPLAINT [CivLR  
7.2 & 12.1]**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

CARRIER, LLC; and  
AMERICAN AUTO LOGISTICS, LP;  
and  
AMERICAN LOGISTICS NETWORK,  
LLP,  
  
Defendants

1           **HAVING FOUND GOOD CAUSE APPEARING** in the Joint Motion For  
2 Order Extending Time For Defendants To Respond To The Class Action Complaint  
3 entered into by Plaintiff Stasik, the Wilhelmsen Defendants<sup>1</sup>, the MOL Defendants<sup>2</sup>,  
4 the NYK Defendants<sup>3</sup>, the “K” Line Defendants,<sup>4</sup> Compania Sud Americana De  
5 Vapores S.A. (“CSAV”), and Toyofuji Shipping Co., LTD. (collectively, the  
6 “Defendants”), the Court hereby enters the following orders:

7           1. Defendants shall have no obligation to respond to the Complaint in this  
8 action until after the Judicial Panel on Multidistrict Litigation (“JPMDL”) has  
9 entered an order in connection with the motion for transfer and consolidation and/or  
10 coordination in the matter pending before the JPMDL entitled *IN RE: Vehicle*  
11 *Carrier Services Litigation*, MDL No. 2471.

12           2. If this action is consolidated and/or coordinated for pretrial proceedings  
13 by the JPMDL, the Defendants shall, as permitted by Fed. R. Civ. P. 12, answer,  
14 move, or otherwise respond to a consolidated amended complaint (“CAC”) that  
15 consolidates this action and any Related Actions<sup>5</sup> within 45 days after a CAC is

---

16  
17 <sup>1</sup> “Wilhelmsen Defendants” shall refer to the following defendants, only: Wilh.  
18 Wilhelmsen Holding ASA, Wilh. Wilhelmsen ASA, Wallenius Wilhelmsen  
19 Logistics AS, Wallenius Wilhelmsen Logistics Americas LLC, Wallenius Lines AB,  
20 WWL Vehicle Services Americas Inc., EUKOR Vehicle Carriers Inc., American  
Shipping and Logistics Inc., American Roll-on Roll-off Carrier, LLC, and American  
Auto Logistics, Inc;

21 <sup>2</sup> “MOL Defendants” shall refer to the following defendants: Mitsui O.S.K.  
22 Lines, LTD., Mitsui O.S.K. Bulk Shipping (U.S.A.), Inc., Nissan Motor Car Carrier  
23 Co., LTD., World Transport Co., LTD., and World Logistics Service (U.S.A.), Inc.

24 <sup>3</sup> “NYK Defendants” shall refer to the following defendants: Nippon Yusen  
25 Kabushiki Kaisha and NYK Line (North America, Inc.).

26 <sup>4</sup> “K’ Line Defendants” shall refer to the following defendants: Kawasaki  
Kisen Kaisha Ltd. and “K” Line America, Inc.

27 <sup>5</sup> *F. Ruggiero & Sons, Inc., et al. v. NYK Line (North America) Inc. et al.*, No.  
28 2:13-cv-03306-ES-SCM (D.N.J., May 24, 2013); *Nelson, et al. v. Nippon Yusen*  
(continued...)

1 filed, unless the transferee court sets a different schedule. In the event Plaintiffs in  
2 any coordinated or related actions serves notice that they will not file a CAC, then  
3 the Defendants will have 45 days from the notice to respond to the Complaint.

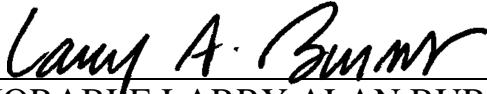
4 3. If this action is not consolidated and/or coordinated for pretrial  
5 proceedings, the Defendants shall, as permitted by Fed. R. Civ. P. 12, answer, move,  
6 or otherwise respond to the Complaint within 45 days after entry of any such order.

7 4. Defendants do not waive: (a) any jurisdictional defenses that may be  
8 available under Fed. R. Civ. P. 12; (b) any affirmative defenses under Fed. R. Civ.  
9 P. 8; (c) any other statutory or common law defenses that may be available to the  
10 Defendants; or (d) any right to seek or oppose any reassignment, transfer, or  
11 consolidation alternatives with respect to this action.

12 5. Nothing in this Order shall preclude Plaintiff Stasik or the Defendants  
13 from seeking to amend the filing deadlines set forth herein.

14 **IT IS SO ORDERED.**

15 DATED: 7-17-13

16   
HONORABLE LARRY ALAN BURNS  
17 UNITED STATES DISTRICT JUDGE

18 \_\_\_\_\_  
(...continued)

19 *Kabushiki Kaisha, et al.*, No. 3:13-cv-00604-HLA-MCR (M.D. Fla., May 24, 2013);  
20 *MacQuarrie, et al. v. Nippon Yusen Kabushiki Kaisha, et al.*, No. 3:13-cv-2409-JST  
21 (N.D. Cal., May 28, 2013); *Knudson v. NYK Line (North America), Inc.*, No. 2:13-  
22 cv-03485-ES-SCM (D.N.J., June 5, 2013); *Adame v. Nippon Yusen Kabushiki*  
23 *Kaisha, et al.*, No. 3:13-cv-00651-HLA-JBT (M.D. Fla., June 6, 2013); *Martens*  
24 *Cars of Wash., Inc., et al. v. Nippon Yusen Kabushiki Kaisha, et al.*, No. 3:13-cv-  
25 02696-WHO (N.D. Cal., June 12, 2013); *Levis, et al. v. Nippon Yusen Kabushiki*  
26 *Kaisha, et al.*, No. 3:13-cv-02895-NMC (N.D. Cal., June 24, 2013); *Spicer, et al. v.*  
27 *Nippon Yusen Kabushiki Kaisha (NYK Line), et al.*, No. 4:13-cv-02894-DMR (N.D.  
28 Cal., June 24, 2013); *Stasik v. Nippon Yusen Kabushiki Kaisha, et al.*, No. 3:13-cv-  
01467-LAB-BLM (S.D. Cal., June 25, 2013); *White v. Nippon Yusen Kabushiki*  
*Kaisha, et al.*, 13-cv-01537-JAH-JMA (S.D. Cal., July 1, 2013); (collectively, the  
“Related Actions”).